REMARKS

By this amendment, claims 1-20 are pending, in which no claim is canceled, amended, or newly added.

The final Office Action mailed October 22, 2004 rejected claims 1-7, 9, 11-17 and 19 under 35 U.S.C. § 102 as anticipated by *Andersson et al.* (US Pat. 5,809,129), and claims 8, 10, 18 and 20 under 35 U.S.C. § 103 as obvious over *Andersson et al.* in view of *Christie* (US Pat. 6,452,928).

As an initial matter, the Specification is amended to correct a discovered informality.

Independent claim 1 recites "a coordination center, adapted to **compare said first and second information to determine whether said amount of communications resources provided**, as represented by said second information, **equals said amount of communications resources requested**, as represented by said first information." Independent claim 11 recites "**comparing said first and second information to determine whether said amount of communications resources provided**, as represented by said second information, **equals said amount of communications resources requested**, as represented by said first information."

It is not understood why the Office Action continues to ignore these features, as Applicants have attempted to point out on page 3 of the previous Response, *Andersson et al.* fails to disclose or otherwise teach such features. In the final Office Action, the Examiner cites col. 6: 30-35 of *Andersson et al.*, offering no further explanation as to why this passage is relevant. This cited passage states the following:

> Further to guarantee each logical network admission to a predefined amount of said common resource the present invention (i) either provides complete separation, also referred to as segregation, of the common resource between the logical networks or (ii) allows the logical networks to compete for a predefined amount of the common resource.

The above passage merely discloses how the *Andersson et al.* system can make use of a common resource. There is simply no mention of anything being compared, much less "**comparing said first and second information to determine whether said amount of communications resources provided**, as represented by said second information, **equals said amount of communications resources requested**, as represented by said first information." The Office Action, on page 5, also refers to col. 3: 25-35 with respect to these claimed features. Again, this passage is equally unhelpful in understanding the rationale for the rejection; col. 3: 25-35 discloses the following:

> In FIG. 1 the second service network SN2, for example ISDN, sends a similar connection request, indicated by arrow 25 to its logical network LN2. In the illustrated case terminal C wants to communicate with terminal D. It should be observed that subscriber A cannot communicate with terminal C since they do not belong to the same logical network. As is apparent from FIG. 1, however, route 4 is part of logical networks LN1 and LN2 and this link resource is accordingly split or separated between service networks SN1 and SN2.

As with the other cited passage of col. 6: 30-35, the above passage is absolutely silent with respect to any type of comparison. The passage merely describes the interaction among the logical networks LN1 and LN2 and the service networks SN1 and SN2.

Applicants submit that the Examiner's rejection is based on generalizations with irrelevant support. Such an uninformative rejection contravenes 35 U.S.C. § 132, which requires the Director to "notify the applicant thereof, stating the reasons for such rejection." This section is violated if the rejection "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." ***Chester v. Miller***, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure. For example, MPEP § 706 states that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity." Furthermore, MPEP § 706.02(j) indicates that: "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond." Unfortunately, the Examiner's only discussion of the features of "**comparing said first and second information to determine whether said amount of communications resources provided**, as represented by said second information, **equals said amount of communications resources requested**, as represented by said first information" are vague references to a seemingly irrelevant passages (col. 3: 25-35 and col. 6: 30-35).

Additionally, the lack of disclosure is not surprising as the *Andersson et al.* system provides no "monitoring" capability. In fact, the word "monitor" does not appear in the various cited passages by the Examiner, or anywhere else in the *Andersson et al.* reference. Consequently, with no monitoring capability, it is not known how the claimed "**first and second information**" can be generated, much less "compared" by the *Andersson et al.* system.

Further, to the extent that the Examiner is relying on Official Notice to meet the claim features, pursuant to the MPEP § 2144.03, Applicants respectfully traverse the Official Notice and request the

Examiner to produce references showing the claim features or withdraw the rejection as factually inadequate.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Andersson et al.* fails to anticipate independent claims 1 and 11.

The addition of *Christie*, which was applied for a supposed teaching of "a broadband telecommunications system generating billing records" (Office Action, page 7, item 8), does not cure the deficiencies of *Andersson et al.*

Applicants also note that the Examiner continues to ignore the tenets of 35 U.S.C. § 132 with respect to the rejections of the various dependent claims. For example, dependent claim 2 recites "**said coordination center** is further adapted to **provide an indicator when said first and second values are not equal**." This feature relates to the comparison of the "said first and second information" by the coordination center of claim 1. As explained previously, no such capability exists with the *Andersson et al.* system. The Examiner resorts to citing a passage that is, at best, taken out of context. Specifically, the Office Action, on page 5, explains claim 2 "corresponds to slot containing an indicator which specifies the action to be taken, col 5, lines 15-20." Col. 5: 8-26, encompassing this cited passage, discloses the following (Emphasis Added):

> U.S. Pat. Ser. No. 4,348,554 relates to a method for providing a private network without having to provide private hardware facilities. The private network uses the transmission facilities of the public network. The private network is defined by tables stored in a data base. The tables define among other things virtual trunk groups associated with the private network. In said tables there is a slot containing the total number of virtual trunks in a group and another slot containing a running count of the total number of virtual trunks assigned to calls. Still another slot contains an **indicator which specifies the action to be taken in the event a call is blocked because of the lack of trunks in a virtual group**. The patent does not address the question of distributing resources among several private networks. If the public network changes, for example is expanded, then each public networks' tables must be changed too. This is in contrast to the present invention; if the logical networks are to be changed then only one table, the routing table, needs to be changed.

The only disclosure the above passage has in common with the claimed features is the word "indicator." Here, the Examiner conveniently ignores the context of such an indicator. This indicator, in fact, is used in the system of U.S. Pat. 4,348,554, to specify "the action to be taken in the event a call is

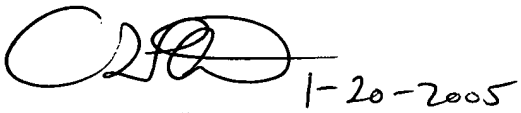
blocked." This has no relevance to an indicator specifying "**when said first and second values are not equal.**"

The Examiner again resorts to vagaries and generalizations in the rejection of dependent claim 3. This claim recites "wherein said **indicator includes a credit or charge on a bill for said resources requested.**" Apparently out of convenience, the Office Action offers the same general, out-of-context explanation: "corresponds to slot containing an indicator which specifies the action to be taken." However, the cited passage is broaden to col. 5: 10-26. As seen in the quoted passage col. 5: 8-26, the broaden passage is unhelpful and provides no information on how the Examiner is rejecting the specific language of "**indicator includes a credit or charge on a bill for said resources requested.**" Such claim feature simply do not exist in the *Andersson et al.* reference; the words "credit" or "charge" are absent.

Therefore, Applicants respectfully request the withdrawal of the rejections under §§ 102 and 103.

Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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